

# NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

## **Schedule Number: N1-085-90-005**

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 2/6/2023

### **ACTIVE ITEMS**

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

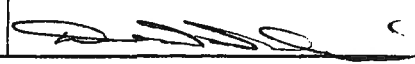
All items except those listed below are active

### **SUPERSEDED AND OBSOLETE ITEMS**

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

Item 1 superseded by DAA-0563-2019-0010-0002

NY 12/2

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> <i>(See Instructions on reverse)</i>		LEAVE BLANK	
TO <b>GENERAL SERVICES ADMINISTRATION</b> <b>NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408</b>		JOB NO	<b>NI-85-90-5</b>
1 FROM <i>(Agency or establishment)</i> <b>Department of Justice</b>		DATE RECEIVED	<b>6-19-90</b>
2 MAJOR SUBDIVISION <b>Immigration and Naturalization Service</b>		NOTIFICATION TO AGENCY	
3. MINOR SUBDIVISION <b>Office of the General Counsel</b>		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
4 NAME OF PERSON WITH WHOM TO CONFER <b>James M. Leahy</b>	5 TELEPHONE EXT <b>514-601-786-5957</b>	DATE <b>12/11/90</b>	ARCHIVIST OF THE UNITED STATES 
6. CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of VI page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached

A GAO concurrence  is attached, or  is unnecessary

B DATE	C SIGNATURE OF AGENCY REPRESENTATIVE <i>Cecil G. Christian, Jr.</i> Cecil G. Christian, Jr.	D TITLE <b>Director, Records Management Branch</b>
	<b>6/8/90</b>	

7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN <i>(NARS USE ONLY)</i>
1.	<p><u>Immigration Litigation Case Files</u></p> <p>The General Counsel's office maintains case files to represent the interest of the Immigration and Naturalization Service (INS) in litigation involving immigration laws, the Service itself or individual INS employees. The files are numbered sequentially, with the first two digits indicating the calendar year in which the file was opened. They are maintained by file number and a separate alphabetical listing of cases is also maintained. The files consist of correspondence, memoranda, pleadings, transcript, exhibits and other documents relating to individual cases involving the Immigration and Naturalization Service in federal courts other than immigration court. In most instances, the litigation on behalf of the government is conducted by attorneys in other components of the Department of Justice, with General Counsel's Office serving principally in an advisory capacity. The case files are considered open while the litigation is active. They are closed one year after the litigation is concluded and the time for all appeal is passed.</p>		

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7. ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
2.	<p><u>RETENTION/DISPOSITION:</u></p> <p>Transfer to the Washington National Record Center one year after the case is closed. Destroy (10) years after the case is closed.</p> <p><u>Freedom of Information Act Litigation Case Files</u></p> <p>The General Counsel's office maintains case files to represent the interest of the Immigration and Naturalization Service (INS) in litigation involving INS response to Freedom of Information Act (FOIA) requests filed by the public. The files are numbered sequentially, with the first two indicating the calendar year in which the files were opened. They are maintained by file number and a separate alphabetical listing of cases is also maintained. The files consist of correspondence, memoranda, pleadings, transcripts, exhibits and other documents relating to individual FOIA cases challenging INS actions. In most instances, the litigation on behalf of the government is conducted by attorneys in other components of the Department of Justice, with the General Counsel's Office serving principally in an advisory capacity. The case files are considered open while the litigation is active. They are closed one year after the litigation is concluded and the time for all appeal is passed.</p> <p><u>RETENTION/DISPOSITION:</u></p> <p>Transfer to the Washington National Records Center one year after the case is closed. Destroy ten years after the case is closed.</p>	<p><del>GRS 14 Item 12(a)</del></p>	
3.	<p><u>Equal Employment Opportunity Litigation Case Files</u></p> <p>The General Counsel's office maintains case files to represent the interest of the Immigration and Naturalization Service (INS) in litigation involving challenges to INS</p>		

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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
	<p>action brought in federal court under the Equal Employment Opportunity (EEO) statutes. The files are numbered sequentially, with the first two digits indicating the calendar year in which the files were opened. They are maintained by file number and a separate alphabetical listing of cases is also maintained. The files consist of correspondence, memoranda, pleadings, transcripts, exhibits and other documents relating to individual EEO cases alleging discrimination by INS itself or individual INS employees. These files are not the individual personnel files of any of the parties to the EEO litigation. In most instances, the litigation on behalf of the government is conducted by attorneys in other components of the Department of Justice, with the General Counsel's Office serving principally in an advisory capacity. The case files are considered open while the litigation is active. They are closed one year after the litigation is concluded and the time for all appeal is passed.</p> <p><u>RETENTION/DISPOSITION:</u></p> <p>Transfer to the Washington National Records Center one year after the case is closed. Destroy ten years after the case is closed.</p>		
4.	<p><u>Merit Systems Protection Board Litigation Files</u></p> <p>The General Counsel's office represents the interests of the Immigration and Naturalization Service in matters coming before the Merit Systems Protection Board. The files are numbered sequentially, with the first two digits indicating the calendar year in which the files were opened. They are maintained by file number and a separate alphabetical listing of cases is also maintained. Files consist of correspondence, memoranda, pleadings, transcripts, exhibits and other documents relating to individual MSPB cases. These files are not the official</p>		

~~GRS 1  
Item 25(a)~~

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	<p>personnel files of the individuals involved in the matter before the MSPB. These case files are considered open while the matter is pending before the Board. They are closed one year after the matter is concluded and the time for all appeal is passed.</p> <p><u>RETENTION/DISPOSITION:</u></p> <p>Transfer to the Washington National Records Center one year after the case is closed. Destroy ten (10) years after case is closed.</p>		
5.	<p><u>Legislation Monitoring Files</u></p> <p>The General Counsel's office maintains files on individual Congressional bills relating to federal immigration laws and certain other topics of interest to the Immigration and Naturalization Service (INS). The files are organized by Congress (e.g. 100th, 101st, etc.) and, within each Congress, by individual bill number. The files consist of correspondence, memoranda, and other written materials analyzing individual legislative proposals. The files contain copies of testimony prepared for presentation to Congressional committees and other forums. Additionally, the files contain a variety of externally-produced materials (copies of hearings and committee reports, correspondence, articles, statistical reports etc.) and relating individual legislative proposals. If a bill is enacted into law, the individual file is transferred to the Legislative History file (see below). Otherwise, the file is kept with the set of bills from the particular Congress. The files for each Congress are closed upon the final adjournment of the Congress.</p> <p><u>RETENTION/DISPOSITION:</u></p> <p>Two years after the final adjournment of a Congress, transfer to the Federal Records Center the files for that Congress's bills. Destroy twenty (20) years after the file is closed.</p>		

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7. ITEM NO

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6. Legislative Monitoring File Index

For the ~~83rd~~<sup>76th</sup> through the ~~95th~~<sup>7</sup> Congress, the General Counsel's office also maintained a card index to its legislation monitoring files on individual Congressional bills relating to federal immigration laws and certain other topics of interest to the Immigration and Naturalization Service (INS). Each bill being tracked was summarized on a card, with notations about companion or related pieces of legislation. The file was not continued after the ~~95th~~<sup>7</sup> Congress.

DISPOSITION:

~~Destroy <sup>20</sup> fifty years after transfer to Federal Records Center.~~ Transfer immediately to Washington National Records Center. Destroy in January 2011.

7. Legislative History Files

The General Counsel's office maintains legislative history files on bills which are enacted into law. Generally, these files concern statutes which change the federal immigration laws, but occasionally they concern other statutes of interest to the Immigration and Naturalization Service (INS). The files are organized by Public Law Number. The files consist of correspondence, memoranda, and other written materials analyzing the legislative proposals contained in the bill as it was considered by Congress. The files may also contain copies of testimony prepared for presentation to Congressional committees and other forums. Additionally, the files contain a variety of externally-produced materials (copies of hearings and committee reports, correspondence, articles, statistical reports etc.) relating to the legislative proposals contained in the bill.

RETENTION/DISPOSITION:

These records are part of the law library collection in the General Counsel Office. They are retained as a ~~permanent~~ part of the library collection. ~~If the determination is made at some future date that they are no longer~~ Destroy when no longer needed for reference.